



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Brian P. Kalk  
Randy Christmann  
Julie Fedorchak

Executive Secretary  
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600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
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E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

October 23, 2014

Brian Personne, Chief Operating Officer  
Consolidated Telcom  
PO Box 1408  
Dickinson, ND 58602-1408

Re: One-Call Excavation Notice System: North Dakota Century Code Chapter 49-23

Dear Mr. Personne:

Enclosed is a copy of a ND One-Call Complaint against Consolidated Telcom, received by the North Dakota Public Service Commission on October 6, 2014, from Roger Rapp, Project Manager at Denny's Electric & Motor Repair, Inc., of Dickinson, ND, Case No. PU-14-737.

I am sending you this information so that you are aware of the Complaint and have an opportunity to present any information you may have to assist us in processing this case. **Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, by November 6, 2014**, with your written account of the event and any supporting documentation, including the applicable One Call locate ticket number for work performed at the address indicated.

Staff will review your response, the Complaint, and other available information to determine the next step in this matter. If staff concludes there was a violation of the One Call law, a formal complaint may be filed with the Commission. If staff decides to proceed with a formal complaint, I will attempt to contact you in advance.

Please contact me at 701-328-4188 or at [jprescott@nd.gov](mailto:jprescott@nd.gov) with any questions regarding this correspondence.

Sincerely,

Julie Prescott  
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint  
c: Roger Rapp

3 **PU-14-737** Filed: 10/23/2014 Pages: 14  
Letter enclosing North Dakota One-Call complaint

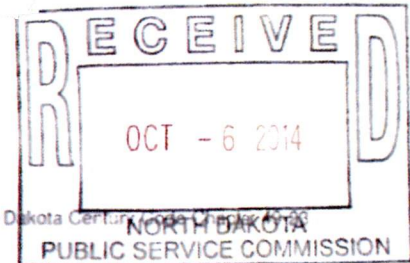


# ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (1-14)

To allege a violation of the One-Call Excavation Notice System Law North Dakota Century Code 49-09.01



## PART A - WHO IS SUBMITTING THIS COMPLAINT (COMPLAINANT)

Company/Person Denny's Electric & Motor Repair (Roger "Skip" Rasp)	Street Address 1661 I-94 Business Loop East	City Dickinson	State and Zip Code ND
Telephone and Cell Phone Number (701)2270801	Email Address skip@dennys-electricnd.com		Date October 6 2014
<input type="checkbox"/> Complainant is willing and able to testify on the complaint if matter goes to formal hearing			

## PART B - WHO VIOLATED THE ONE-CALL REGULATIONS (RESPONDENT)

Company/Person Consolidated Telecom	Street Address 407 South Main	City Dickinson	State and Zip Code ND
Telephone and Cell Phone Number 701-483-4000	Email Address		

## PART C - ALLEGED VIOLATION

<input type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input type="checkbox"/> Excavator failed to provide required information in excavation or location notice <input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation <input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area <input checked="" type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input checked="" type="checkbox"/> Excavation started prior to underground facility locate <input checked="" type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally <input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities <input type="checkbox"/> Excavator failed to maintain the markings during excavation <input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: 1st Street SW and Highway 8
Date and Time of Violation: July 25, 2014
Description (summarize the observations on which you rely to allege the violation) <i>If more space is required, please provide the description on a separate page.</i>  We requested locates to directional drill across highway 8 and 1st Street. Consolidated had 2 fiber lines on the east side of the highway, one line was located which we hydrovac'd, the second line to the east was not marked in the flagged construction area. The closest flags were over 50 feet north and south of the flagged route. We submitted a letter to Consolidated on September 17, 2014 after receiving a bill for the repairs to the line. We received a letter from Consolidated October 3, 2014 notifying us that they had reviewed the matter and that the bill was due. We took numerous photos of the construction area and consolidated flags, specifically the location of the line that was hit. If they had located the second fiber line we would have hydrovac'd the line to verify the depth as we did the line to the West. The 2 fiber lines are approximately 25 feet apart. Attached is the letter sent to Consolidated and additional photos of the area.

## PART D - DAMAGE

Fatalities NA	Injuries NA	In-patient Hospitalization NA
Underground facility type(s) and Operator(s) affected Consolidated Fiber		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$17,554.10	Number of Customers Affected unknown	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

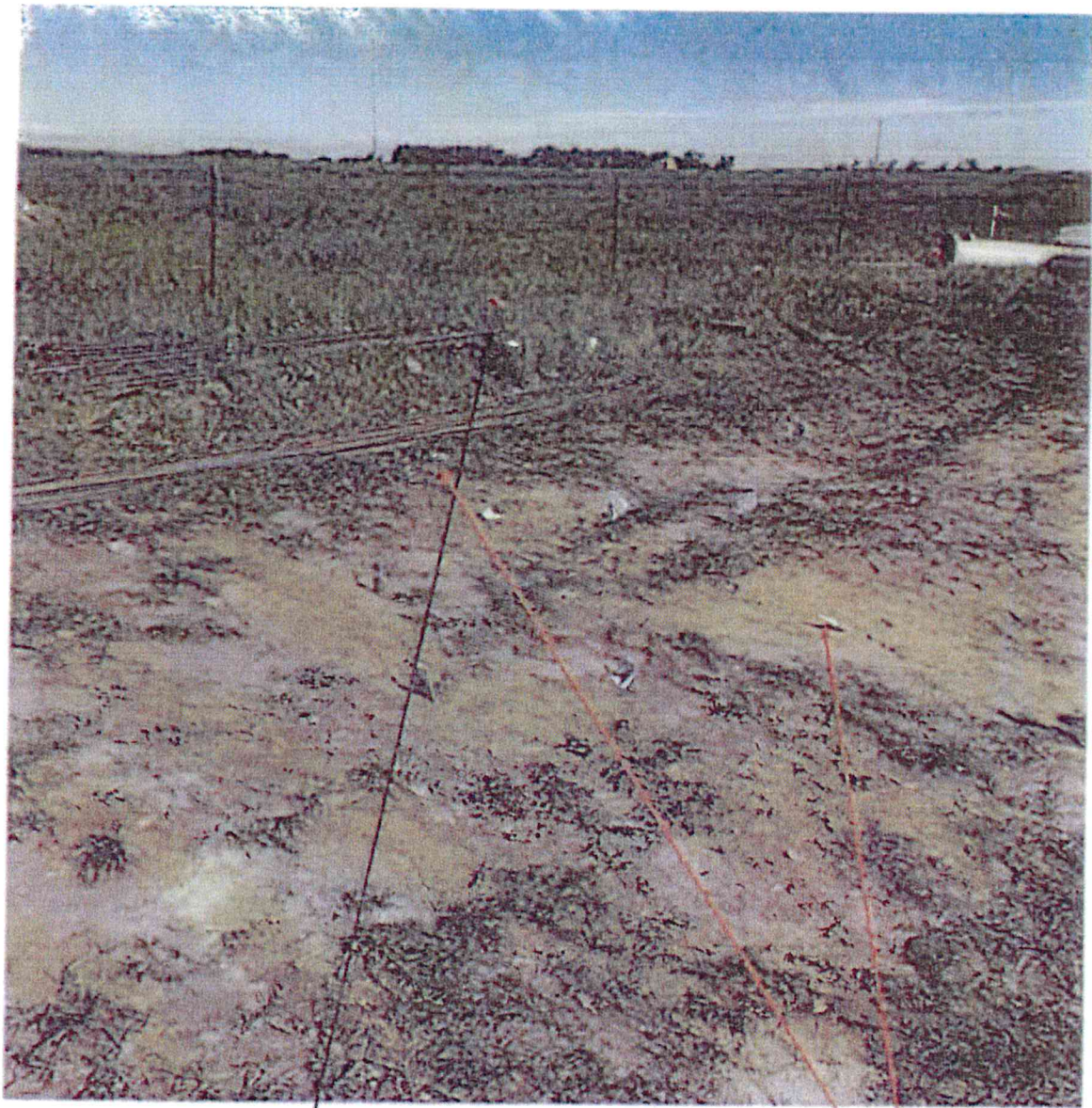
## PART I - SIGNATURE

Signature of Person Filing Complaint 	Date October 6 2014
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Send Completed, Original Complaint To:  
Public Service Commission  
600 E Boulevard Ave Dept 408  
Bismarck ND 58505-0480  
Telephone: (701) 328-2400



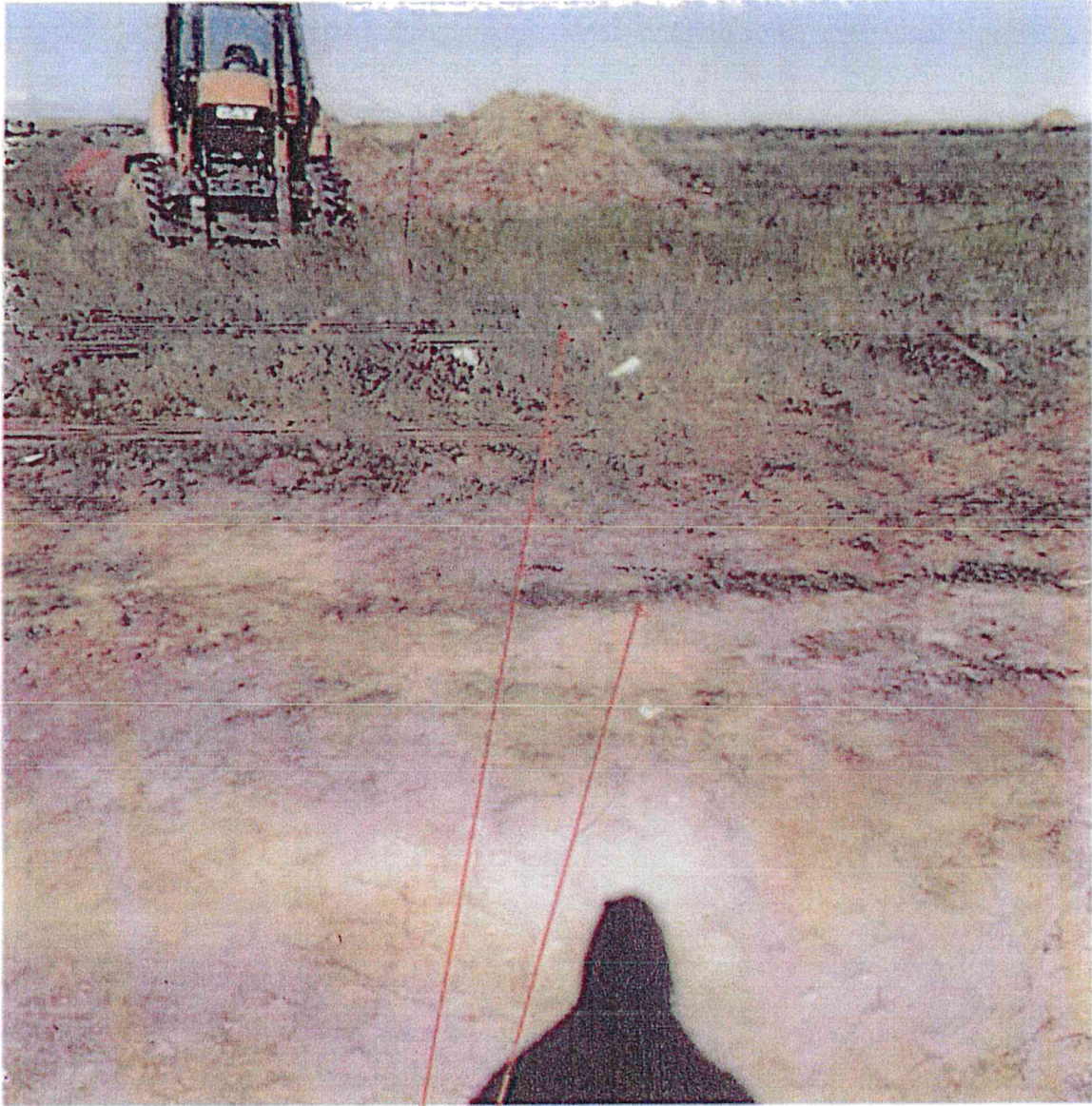
Standing on location of damage looking north, the flags are marking the fiber line that was located west of the line that was damaged



Flagged Construction area

Fiber Line that was located

Location of Fiber that was damaged, white flags showing Denny's Electric Flagged route

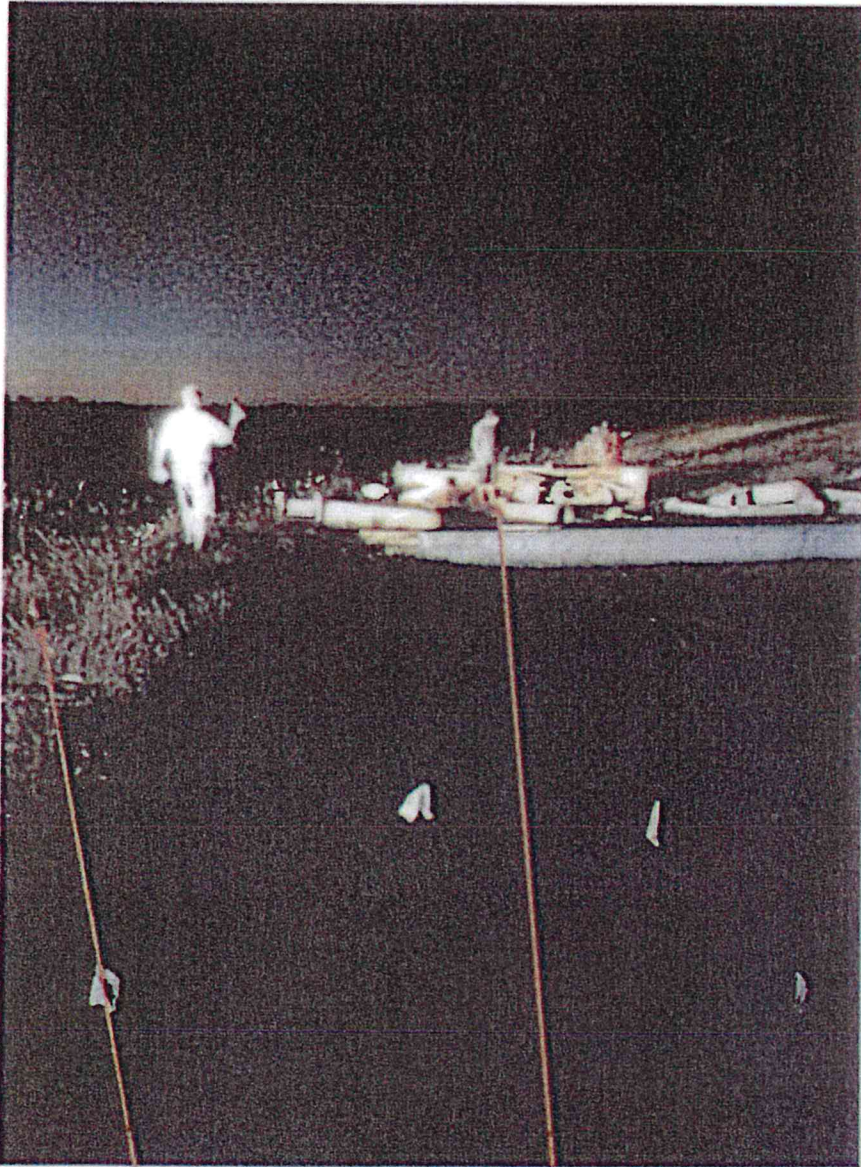


Looking West across construction area

Marked Line

Location of unmarked line

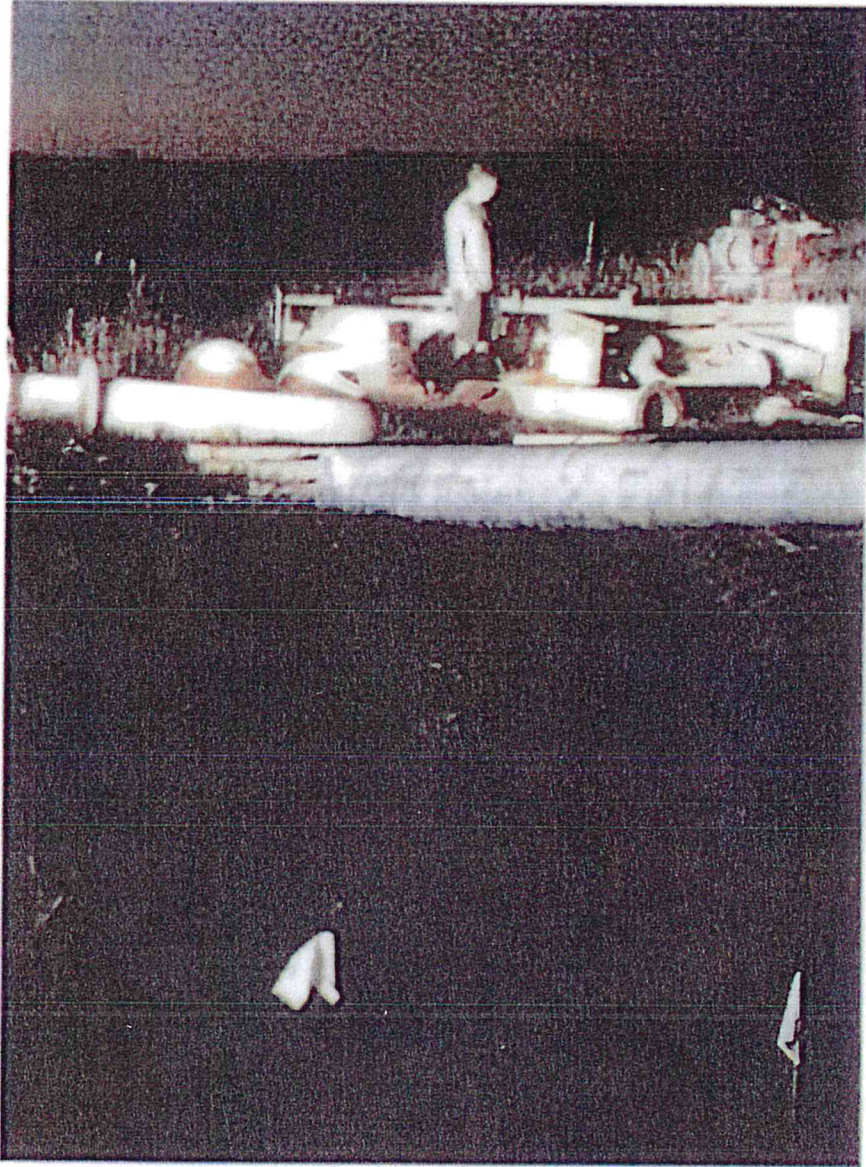
Night of damage walking along line that was marked by pipe storage north of damage

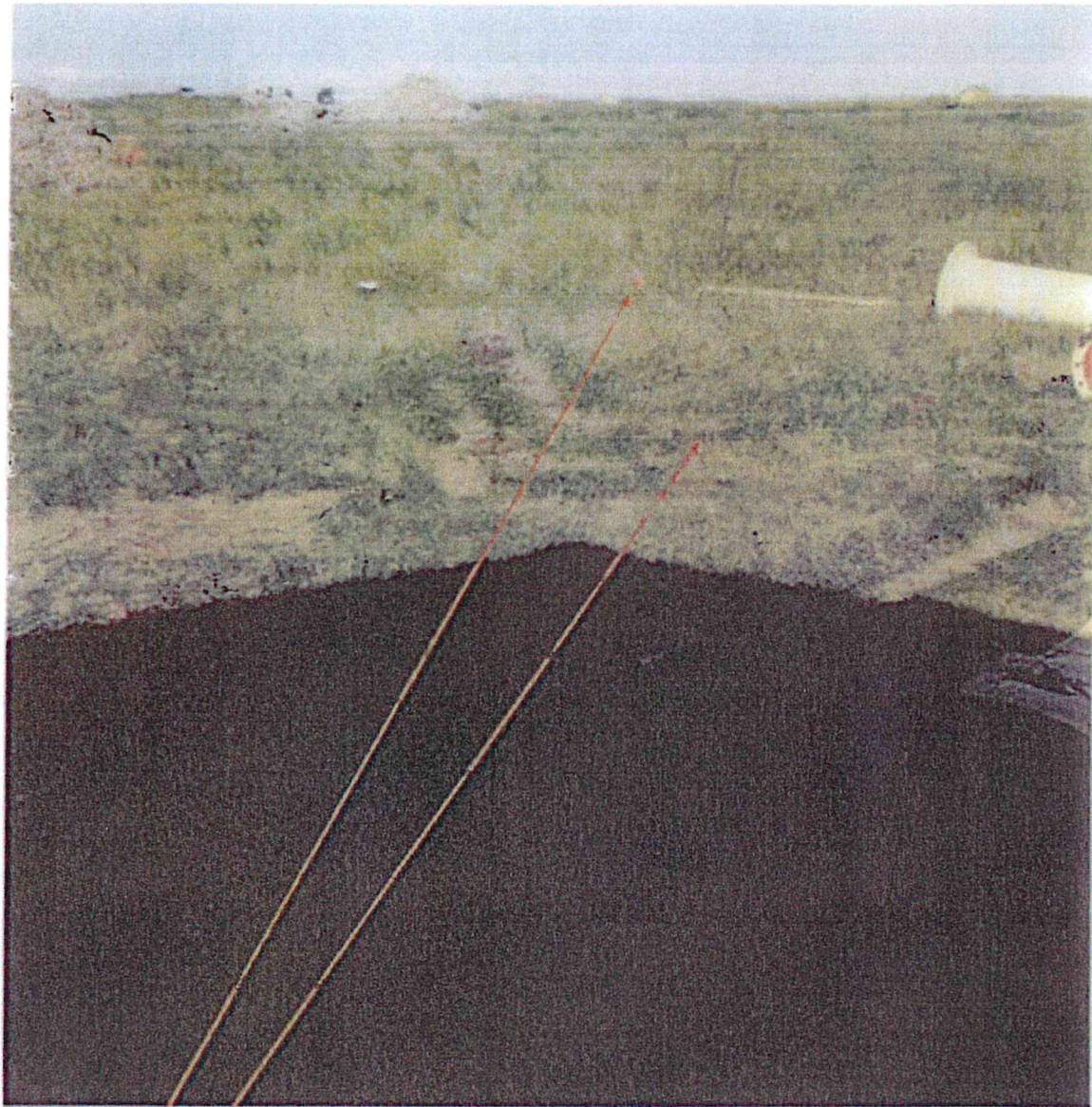


Marked Line

Old Flag found marking the line that was damaged

Night of damage standing by old flag in pipe storage 54 feet north of damage





Marked Line

Unmarked Line



Moving Pipe to expose old flag that was found

Marked Fiber Line west of Damaged Fiber

Location of old flag under pipe 54 Feet North of Damage

Location of Damaged Fiber



Old flag found under pipe marking fiber that was hit, flags were from previous locate by Carstensen Construction on May 13, 2014 to install the Booster Station Ticket 14057188, our locates was submitted 07/01/2014 Ticket 14094811. This was 54 feet north of the damage. These flags were not visible from the location of the Directional Drill



Old flag found construction material marking fiber that was hit, flags were from previous locate by Carstensen Construction on May 13, 2014 to install the Booster Station Ticket 14057188, our locates was submitted 07/01/2014 Ticket 14094811. This was approximately 52 feet south of the damage. These flags were not visible from the location of the Directional Drill.




Location of old flag under rock picker owned by Carstensen Construction. Rock Picker had been sitting in this location for a period of time. Flag was found when the equipment was moved by Consolidated to provide room to park their trailer to repair the fiber and were not visible

# DENNY'S ELECTRIC

LICENSE # 2450

## *& Motor Repair*

INC



1661 194 Business Loop East  
Dickinson, ND 58601  
Phone 701-227-0601

September 17, 2014

Consolidated Telcomm  
PO Box 1408  
Dickinson, ND 58601

Subject Invoice 106605 Repair cut Fiber

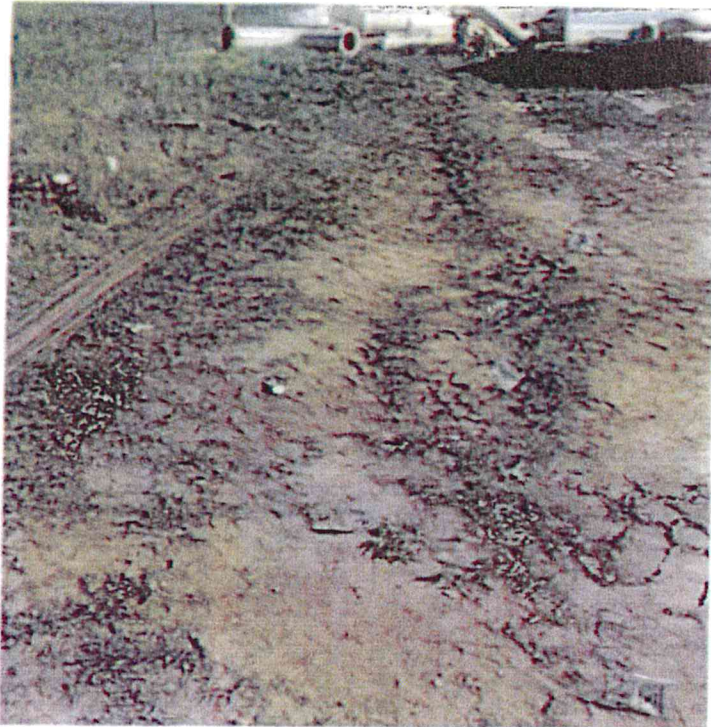
We received your invoice for the repairs to the Fiber Line that was struck on July 24, 2014 at the intersection of Highway 8 and 1<sup>st</sup> Street Sw. in the amount of \$17,554.10. Denny's Electric notified ND One Call, Ticket #14094811 to have the utilities in the marked excavation area marked. There were 2 Consolidated Fiber Lines in the vicinity of the excavation site. The line to the west was clearly marked with new Consolidated Flags indicating the location of the Utility. We hydrovaced the utility to verify the depth of the marked line. The second line that was approximately 25 feet to the east was not marked per the locate request "MARK 50 FEET ON EACH SIDE OF THE STAKED PIPE LINE ROUTE, MARK 100 FEET EACH SIDE OF THE CENTER LINE OF HIGHWAY 8, WE WILL BORE ACROSS HIGHWAY 8 ON THE NORTH SIDE OF 1ST STREET." There were old Consolidated flags beyond the proposed excavation site, the 1<sup>st</sup> flag on the line that was struck was approximately 54 feet to the north behind material crates and the next flag was approximately 52 feet south of the excavation site under a rock picker. These flags were from previous locates and were faded



Location of Old Flag to the north

Location of the Fiber hit

Marked Fiber



Marked Excavation Area

The fiber line that was struck was clearly not marked per ND Locate requirements, we located the line that was marked and verified the depth of the utility.

Denny's Electric is not responsible for the damage to the unmarked fiber and if the line had been marked as required we would have located the buried utility as we did the marked fiber line.

Sincerely,

Roger Rapp, Project Manager  
Denny's Electric & Motor Repair INC.